IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

WP(C).No. 7835 of 2007(G)

PETITIONER:

SHAHUL HAMEED N.K,ASSISTANT ENGINEER
SECTION NO.III, M.S.H.E.P, KERALA STATE
ELECTRICITY BOARD,MALANKARA,ERNAKULAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. THE PROJECT MANAGER,M.S.H.E PROJECT,
KERALA STATE ELECTRICITY BOARD,MALANKARA,
ERNAKULAM DISTRICT.

2. THE CHIEF ENGINEER (H.R.M),
VYDHYUTHI BHAVAN,TRIVANDRUM.

3. THE CHAIRMAN,KERALA STATE ELECTRICITY
BOARD,VYDHYUTHI BHAVAN,TRIVANDRUM.

BY ADV.SRI.K.S.ANIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 7835 of 2007-G

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Dated this the 8th day of March, 2007.

J U D G M E N T

Petitioner who is working as Assistant Engineer in the Kerala State Electricity Board has suffered a punishment of barring of one increment without cumulative effect for a period of 6 months. The above punishment has been imposed on him after completion of the disciplinary proceedings.

2. I do not propose to deal with the contention raised by the petitioner that the punishment is totally illegal and unwarranted for the reason that the petitioner has admittedly preferred Ext.P7 appeal before the Chairman of the Board against Ext.P6 order. Learned counsel submits that petitioner will be satisfied if an appropriate direction is issued to the Appellate Authority to consider and pass orders on Ext.P7 expeditiously. He further prays that pending consideration of the appeal, the punishment imposed on the petitioner may be kept in abeyance. I am not inclined to accept the latter prayer at this stage. Learned Standing Counsel submits that an appropriate decision on Ex.P7 appeal will be taken expeditiously.

In the above facts and circumstances this writ petition is disposed of with a direction to respondent No.3 to consider and pass orders on Ext.P7 strictly on its merit and in accordance with law as expeditiously as possible at any rate within two months from the date of receipt of a copy of this judgment. Respondent no.2 shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken on Ext.P7.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.3 for compliance.

A.K. Basheer
Judge.

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